

Exhibit K - Arrest Report

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
ARREST REPORT

17F10146X/05

☐ City ☒ County ☒ Adult ☐ Juvenile Sector/Beat M2

ID/EVENT# 2791941	ARRESTEE'S NAME (Last) Lopera		(First) Kenneth		(Middle)		S.S.# [REDACTED]
ARRESTEE'S ADDRESS (Number, Street, City, State, Zip Code) [REDACTED]							
CHARGES Oppression Under the Color of Office, Involuntary Manslaughter							
OCURRED	DATE 05-14-17	DAY OF WEEK Sunday	TIME 0054	LOCATION OF ARREST (Number, Street, City, State, Zip Code) [REDACTED]			
RACE W	SEX M	D.O.B. [REDACTED]	HT. 5'09"	WT. 175	HAIR Black	EYES Brown	PLACE OF BIRTH NJ
ARRESTING OFFICER #1: T. Alsop		P#: 5782		ARRESTING OFFICER #2: M. Colon		P#: 7585	
CONNECTING REPORTS (Type or Event Number) TCR/DOA/ICR/Voluntary Statements EVT #170514000228 A							

APPROVED BY (PRINTED NAME): Sgt. J. MacDonald P# 4660**CONFIDENTIAL****CIRCUMSTANCES OF ARREST:**

On May 14, 2017 at 0116 hours detectives with the LVMPD Force Investigation Team (FIT) were notified of an in-custody death that occurred at the Venetian Hotel. Detectives responded to the scene and were briefed by Sergeant Abdal-Karim. Sergeant Abdal-Karim related the following:

Officers Lopera and Lif were inside the Venetian Hotel getting a cup of coffee. The officers were approached by a black male adult (Tashi Farmer) who was sweating profusely and stated he was being chased. Farmer then ran from the officers and was chased by Officer Lopera.

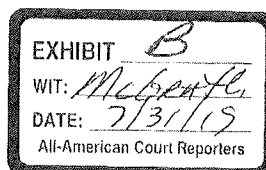
During the foot pursuit, Officer Lopera observed Farmer near a white truck and believed he attempted to open the tailgate of the truck in his attempt to flee. Officer Lopera then observed Farmer approach the driver's door of the white truck and believed Farmer was going to attempt to take the vehicle by force. Officer Lopera discharged his ECD, striking Farmer with both probes and Farmer fell to the ground. Farmer attempted to pull the ECD probes out and attempted to grab the ECD from Officer Lopera's hand.

Security guards from the Venetian Hotel responded and attempted to help take Farmer into custody. Officer Lopera then performed the Lateral Vascular Neck Restraint (LVNR) and rendered Farmer unconscious.

Officers requested medical personnel and were attempting to revive Farmer when they observed he was not breathing. Officers began Cardio Pulmonary Resuscitation (CPR) and continued until relieved by medical personnel. Farmer was transported to Sunrise Hospital where he was pronounced deceased at 0139 hours.

Sergeant Abdal-Karim provided detectives with the names of several witnesses to include LVMPD officers and civilians. Sergeant Abdal-Karim also relayed that video surveillance was available from the Venetian hotel and also Officer Lopera's Body Worn Camera (BWC).

Detectives with FIT then assumed investigative responsibility. Sergeant MacDonald took control of Officer Lopera's BWC and maintained control of the camera until the video footage was viewed and downloaded by detectives.



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During the walkthrough, which was started at the point when he exited the hotel, Officer Lopera stated he observed a security officer and asked if the officer had seen anyone running. The security officer pointed to the south and Officer Lopera observed Farmer running south in the middle of the street. Farmer approached a white truck that was travelling west. Farmer attempted to open the tailgate of the truck and Officer Lopera believed that Farmer was going to attempt to take the vehicle by force. Officer Lopera deployed and discharged his ECD resulting in Farmer falling to the ground. The walkthrough was then stopped as advised by LVPPA attorney John Aldrich.

After viewing surveillance footage from the Venetian Hotel, detectives were able to retrieve the numbers and letters of the license plate for the white truck which Farmer approached. An interview was conducted with the registered owner of the vehicle. The following is a summary of the interview and is not verbatim: [REDACTED] was stopped in traffic as he approached the parking garage to the Venetian. His friend, [REDACTED] was in the passenger seat and drew [REDACTED] attention to an officer [Officer Lopera] running towards his truck on the rear passenger side. [REDACTED] then noticed a black male [Farmer] near the rear driver's side of his truck who [REDACTED] believed Officer Lopera was chasing.

Officer Lopera told Farmer to "Stop" and "I'm going to tase you." [REDACTED] saw Officer Lopera tase Farmer, who fell near the rear tire of [REDACTED] truck. [REDACTED] saw and heard Officer Lopera tase Farmer several times. During this time, Farmer was not complying and appeared to be trying to get away. Officer Lopera and Farmer moved away from [REDACTED] truck and [REDACTED] began to drive away.

As [REDACTED] drove away, he continued to watch Officer Lopera and Farmer in his mirror. Farmer was on the ground and Officer Lopera "mounted" Farmer and aggressively stuck Farmer in the face. Prior to pulling into the garage, [REDACTED] saw that an officer had Farmer in a rear naked choke. [REDACTED] was unsure if Officer Lopera was the officer who was applying the rear naked choke but he believed it was. [REDACTED] stated Farmer did not attempt to open the tail gate of his truck or get into the truck bed. [REDACTED] also stated Farmer did not attempt to open his driver's door, however [REDACTED] said Farmer's erratic behavior made him nervous so he locked his doors prior to observing Farmer being tased by Officer Lopera.

[REDACTED] said Officer Lopera gave Farmer several verbal commands during the incident, and Farmer was not complying. [REDACTED] did not see Farmer try to hit anyone, and it appeared he did not want to be arrested.

At 0425 hours Officer Lif was interviewed by detectives. The following is a summary of the interview. Officers Lif and Lopera were inside the Venetian Hotel getting a cup of coffee when Farmer approached them. Farmer was sweating profusely and asked the officers if they knew where a drinking fountain was located. The officers told Farmer they did not know but told him if he walked around he would probably find one.

Officer Lopera then asked Farmer why he was sweating so badly and Farmer stated he had just ran across the street because people were following him. Farmer asked if the officers could escort him down to valet and the officers agreed. Farmer then began to walk away and Officer Lopera attempted to get Farmer to come back and talk to them. Officer Lopera handed his coffee to Officer Lif and started walking after Farmer. Farmer then began to run down a hallway and Officer Lopera followed him. Officer Lif lost track of Officer Lopera and Farmer and did not see them again until Farmer was in custody outside of the hotel.

At 0434 hours Officer Tran was interviewed by detectives. Below is a summary of the interview. When he arrived to the rear of the Venetian Officer Tran observed a LVMPD vehicle in the street and an officer in a green uniform with a suspect on the ground. When he exited his vehicle and approached it appeared the officer had the suspect in the LVNR, and a handcuff on one hand. When he looked at the suspect he appeared to be unconscious. Officer Tran told Officer Lopera to "Let go." When Officer Lopera loosened up on the LVNR the suspect was able to be placed in handcuffs. The suspect appeared to be unresponsive and Officer Tran was unable to find a pulse. Medical was requested and Officer Amburgey began CPR.

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During the subsequent investigation I viewed the footage uploaded from Officer Lopera's BWC. The camera was activated at 00:54:14 on 05-14-17. The following annotations were identified along with the time each event occurred. The time noted is from the activation of the BWC.

- 00:00 The camera was activated and Farmer approached Officers Lopera and Lif.
- 00:09 Officer Lopera began walking towards Farmer.
- 00:13 Farmer walked through a chained off area into an employee only area.
- 00:14 Officer Lopera reached out to grab Farmer. Farmer turned and ran down a hallway. Officer Lopera ran after Farmer.
- 00:52 Officer Lopera reached a stairwell and began descending the stairs.
- 01:18 Officer Lopera exited the hotel.
- 01:19 Officer Lopera asked a security guard if he observed anyone running.
- 01:21 Officer Lopera ran south.
- 01:30 Farmer observed by a white vehicle.
- 01:34 Officer Lopera yelled, "Stop don't move. You're going to get tased."
- 01:36 Officer Lopera yelled, "Taser, Taser, Taser." Farmer then fell backward onto the street.
- 01:38 Officer Lopera yelled, "Taser, Taser." Farmer held his hands up and a cell phone is visible in his left hand.
- 01:39 Officer Lopera yelled, "Don't move."
Farmer replied "OK."
Officer Lopera yelled, "Don't move."
- 01:43 Officer Lopera pointed in the direction of the white truck and yelled, "Stop right there."
- 01:44 Officer Lopera yelled, "Get on your stomach".
Farmer sat up and attempted to put on his left shoe which had slipped off the heel.
- 01:45 Officer Lopera yelled, "Get on your stomach."
Farmer replied, "I will. I will. Please". Farmer fell backward to the ground.
- 01:49 Officer Lopera broadcast over the radio, "Control Venetian1, Give me a red."
Farmer is heard saying, "Please."
- 01:51 Officer Lopera yelled, "Don't move. Get on your stomach."
- 01:53 Farmer attempted to put his left shoe on again.
- 01:54 Officer Lopera yelled "Get on your stomach."
Farmer was rolling to his right side.
- 01:55 Farmer replied, "I will" then yelled "I will."

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01:56 Farmer reached to his lower back.

01:57 Officer Lopera yelled, "Get on your stomach."

02:00 Farmer rolled onto his stomach, then to his back.

02:01 Officer Lopera yelled, "Get on your stomach."
Farmer replied, "I will."

02:03 Officer Lopera yelled, "Get on your stomach. Do it now."

02:04 Farmer rolled to his stomach. Officer Lopera grabbed Farmer's left arm.

02:07 Farmer replied, "OK, OK, OK Sir."

02:09 Officer Lopera yelled, "Get on your stomach."
Farmer replied, "I will."

02:13 Officer Lopera stated, "Stop, you're gonna get it again. Get it again. Help me out."

02:18 Farmer said "No, no, no."

02:20 Venetian Hotel Security arrived. They give Farmer verbal commands and a guard grabbed onto Farmers arms.
Farmer said, "I will."

02:22 Security gave commands to "Stop, turn around."
Farmer replied, "I will." Farmer then sat up.

02:24 Officer Lopera told Farmer, "Get on the ground."

02:27 Farmer replied, "OK sir."

02:29 Officer Lopera told Farmer, "Don't move."

02:30 Officer Lopera repeated the command, "Don't move."

02:33 Officer Lopera holstered his ECD and told Farmer, "Hands behind your back."
Farmer replied, "I'm trying to."

02:35 Officer Lopera told Farmer, "On your stomach."

02:36 Officer Lopera straddled Farmers lower back.

02:37 Officer Lopera put both his hands on Farmers head.

02:40 Officer Lopera told Farmer, "Get on your stomach."
Farmer was observed lying on his stomach.

02:42 Officer Lopera told Farmer, "Get on your stomach."
Farmer was observed lying on his stomach.

02:45 Security was observed grabbing Farmers arms.

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- 02:47 Officer Lopera told Farmer, "Get on your stomach."
Farmer was observed lying on his stomach.
- 02:50 Officer Lopera told Farmer, "Get on your stomach."
Farmer was observed lying on his stomach.
- 02:52 Officer Lopera told Farmer, "Get on your stomach."
Farmer was observed lying on his stomach.
- 02:53 Officer Lopera told Farmer, "Let me see your hands."
- 02:58 Officer Lopera appeared to put Farmer in some type of neck restraint.
- 03:01 Sergeant Crumrine arrived and stated, "Put your fucking hands behind your back."
- 03:13 Officer Lopera asked, "Is he out yet?"
- 03:15 Farmer gasps.
- 03:18 Officer Lopera asked, "Is he out yet?"
- 03:19 Officer Lopera asked, "Is he out yet?"
- 03:25 Officer Tran arrived and said, "Let him go Ken."
- 03:26 Officer Lopera asked, "Are you sure?"
Officer Tran replied, "Yeah."
- 03:27 Officer Lopera stated, "Roll him to... Hold on. Don't grab my fucking legs."
Officer Tran stated, "We're on top of him."
- 03:30 Officer Lopera stated, "Roll him to the other side. Get the other arm too!"
- 03:36 Officer Lopera placed the palm of his hand on Farmer's forehead.
- 03:38 Officer Lopera asked, "You got the other one?"
- 03:50 Farmer Gasps.
- 04:11 Officer Lopera released the hold on Farmer.
- 04:17 Officer Lopera stated, "He tried to carjack somebody."
- 04:36 Officer Lopera stated, "I Tased him."
- 04:38 Officer Lopera stated, "Roll medical."
- 05:03 Sergeant Crumrine approached Officer Lopera. Officer Lopera told Sergeant Crumrine, he was getting coffee when he was approached by a guy who said someone was following him. Officer Lopera then stated the male ran away from the officers and outside the hotel. As Officer Lopera was chasing the male, he attempted to gain access into the bed of a truck at which time, Officer Lopera tased him. Farmer attempted to pull the ECD wires out and Officer Lopera said "I Choked him out."

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- 05:44 Officer Lopera told other officers he needed to obtain a voluntary statement from the driver of the white truck.
- 06:38 Officer Lopera told Officers Flores and Rybacki what happened. During the conversation he stated, "I start walling on the dude and then I rear mounted and choked him out."
- 07:02 Officer Lopera told Officer Lif, "He tried to get in somebody's truck. So I Tased him and choked him out."
- 07:20 Officer Lopera asked, "Sarge, is he OK? He's breathing?" Officer Lopera then gave a thumbs up sign and said, "Thank you."
- 07:27 Officer Lopera asked if he should expedite medical.
- 07:41 Officer Lopera tells another officer, "I tased him, fought a little bit and choked him out."
- 07:48 Officer Lopera approached Venetian Security personnel and asked them to attempt to pull video surveillance of the incident.
- 09:34 Officer Lopera talked to Officer Lif again. During the conversation Officer Lopera told her, "I start punching him. Rear naked his ass. He went out."

During the subsequent investigation I viewed the footage uploaded from Officer Rybacki's BWC. The camera was activated at 01:04:16 on 05-14-17. The following annotations were identified along with the time each event occurred. The time noted is from the activation of the BWC.

- 11:25 Officer Rybacki approached Officers Tran and Flores. One of the officers stated, "He was out when we got here," referring to Farmer. Officer Rybacki responded, "Oh, he was definitely on something."

During the subsequent investigation I viewed the footage provided by the Venetian Hotel. The camera was active and zoomed in on Officer Lopera's location at 00:56:35 on 05-14-17. The following annotations were identified along with the time each event occurred. The time noted is from the time stamp on the video.

00:56:40 Officer Lopera holstered his ECD.

00:56:40 – 00:57:03 Officer Lopera struck Farmer in the head approximately 10-12 times.

00:57:03 – 00:58:16 Officer Lopera held Farmer in a choke hold.

During the investigation, both Officer Lopera's BWC and the video surveillance from the Venetian Hotel were synced so they would play together. The following times are according to the time stamp on the Venetian Hotel surveillance with the BWC synced.

00:57:30 Officer Tran told Officer Lopera to let go of Farmer.

00:58:16 Officer Lopera released Farmer.

An analysis report was generated for Taser X26P, Serial Number X12002RP4, which was assigned to Officer Lopera. According to the time stamp on Officer Lopera's ECD, it was armed at 00:54:10. The ECD was activated by a trigger pull at 00:54:12 for five seconds; 00:54:21 for five seconds; 00:54:31 for five seconds; 00:54:37 for five seconds; 00:54:46 for five seconds; 00:54:51 for five seconds; and 00:54:59 for nine seconds. The ECD was rendered safe at 00:55:10.

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On 05-31-17, I received the Autopsy Report from the Clark County Office of the Coroner Medical Examiner. The autopsy was conducted by Dr. Alane Olson on 05-14-17 at 1255 hours. Dr. Olson opined that the cause of death was "Asphyxia due to police restraint" and the manner of death was homicide. According to Dr. Olson during the autopsy, she found hemorrhaging in the neck which would be consistent with being choked.

According to her statement, Officer Lif believed the contact between the officers and Farmer was a consensual encounter. Farmer had approached the officers and asked if they knew where a drinking fountain was located. After a short conversation with Officer Lopera, Farmer began walking away from the officers and towards a hallway which was marked with an illuminated exit sign. Farmer walked into a chain which was suspended by two yellow caution cones. Officer Lopera reached out with both arms in an attempt to grab Farmer. Farmer then turned around and ran down the hallway chased by Officer Lopera.

LVMPD policy states an officer may initiate a foot pursuit of any individual(s) the officer reasonably believes is about to engage in, is engaging in, or has engaged in criminal activity. As Officer Lopera began to chase Farmer, he had no reasonable suspicion or probable cause to believe that Farmer had been involved in any criminal conduct.

Officer Lopera continued to follow Farmer outside of the hotel and observed him near a white truck. Officer Lopera stated he believed Farmer attempted to gain access into the bed of a white truck and then began walking towards the driver's side door of the truck. Officer Lopera believed Farmer was going to attempt to take the vehicle by force and deployed his ECD. The driver of the white truck stated he did not believe Farmer was a threat. Officer Lopera pulled the trigger of his ECD. Both probes from Officer Lopera's ECD struck Farmer in the back resulting in neuromuscular incapacitation. Farmer fell to the ground and landed on his back.

Officer Lopera began issuing verbal commands to Farmer however the longest time between cycles of the ECD was six seconds. Officer Lopera told Farmer to get on his stomach several times but never gave Farmer a reasonable opportunity to comply with commands before cycling the ECD again. Officer Lopera's verbal commands also contradicted each other, telling Farmer "don't move" followed by a command to "get on your stomach."

LVMPD policy states after the initial five second cycle, the officer will evaluate the need to apply an additional five second cycle after providing the subject a reasonable opportunity to comply. Policy further states after a subject has been exposed to three cycles the ECD shall be deemed ineffective and another force option will be considered.

After cycling the ECD seven times, Officer Lopera holstered his ECD. With Farmer lying on his stomach, Officer Lopera straddled Farmer's back and struck him approximately 10-12 times in the head while giving Farmer verbal commands to "Get on your stomach." According to LVMPD policy, officers should only use hand strikes when a subject is displaying aggressive resistance. Aggressive resistance is defined as that which has the potential to cause injury or substantial pain. Based upon Officer Lopera's BWC and surveillance obtained by the Venetian Hotel, Farmer was laying on his stomach attempting to keep from being handcuffed. As Officer Lopera began to strike him, Farmer appeared to be protecting his face from being hit. Farmer did not appear to be displaying aggressive resistance.

After striking Farmer in the head, Officer Lopera performed what he described as a "rear naked choke." This technique is not approved by or taught by the LVMPD. The LVMPD employs the Lateral Vascular Neck Restraint (LVNR). The LVNR is a neck restraint which can render a subject unconscious by stopping blood flow to the brain by compressing the carotid arteries and does not restrict a subject's airflow. Officer Lopera held the "rear naked choke" for one minute and thirteen seconds. Officer Lopera also held the "rear naked choke" for forty four seconds after being told to let go by Officer Tran. LVMPD policy states that the LVNR will only be used in accordance with policy and department training.

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Due to the fact that Officer Lopera, who was on duty and acting in the official capacity of a Police Officer, attempted to detain Farmer inside the Venetian Hotel without sufficient legal authority for the detention, initiated a foot pursuit of Farmer which resulted in Farmer being detained and using force outside his training and department policy which resulted in Farmer's death the crime of Oppression Under the Color Office was committed. The force used consisted of the ECD, empty hand strikes to the head, and a choke hold.

Although Officer Lopera did not provide a statement to criminal investigators, it is reasonable to believe that he did not intend to cause death to Farmer. However, Officer Lopera used his ECD, empty hand strikes, and a choke hold all of which were outside department policy and his training. According to Dr. Olson, Farmer died as a result of asphyxiation due to police restraint. Officer Lopera referred to the restraint as a "rear naked choke" which is not authorized by the LVMPD. Therefore, Officer Lopera committed the crime of Involuntary Manslaughter.